

## Article - Education

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§15–131. NOT IN EFFECT

**\*\* TAKES EFFECT JULY 1, 2023 PER CHAPTER 138 OF 2021 \*\***

(a) (1) In this section the following words have the meanings indicated.

(2) “Public institution of higher education” means:

(i) The constituent institutions of the University System of Maryland; and

(ii) Morgan State University.

(3) (i) “Student athlete” means a college student who participates in an intercollegiate athletic program at a public institution of higher education.

(ii) “Student athlete” does not include a student who participates solely in intramural or club athletics.

(b) (1) A public institution of higher education may not:

(i) Uphold any rule, requirement, standard, or other limitation that prevents a student athlete from earning compensation from the use of the student athlete’s name, image, or likeness; or

(ii) Reduce, rescind, or otherwise affect a student athlete’s scholarship because the student athlete earns compensation from the use of the student athlete’s name, image, or likeness.

(2) An athletic association, a conference, or any other group or organization with authority over intercollegiate athletics, including the National Collegiate Athletic Association, may not prevent a student athlete from earning compensation as a result of the use of the student athlete’s name, image, or likeness.

(3) An athletic association, a conference, or any other group or organization with authority over intercollegiate athletics, including the National Collegiate Athletic Association, may not prevent a public institution of higher education from participating in intercollegiate athletics as a result of the compensation of a student athlete for the use of the student athlete’s name, image, or likeness.

(c) A public institution of higher education, an athletic association, a conference, or any other group or organization with authority over intercollegiate athletics may not:

(1) Provide a prospective student athlete with compensation in relation to the student athlete's name, image, or likeness; or

(2) Prevent a student athlete from obtaining representation in relation to contracts or legal matters.

(d) (1) An athletic program contract of a public institution of higher education may not prevent a student athlete from using the student athlete's name, image, or likeness for a commercial purpose when the student athlete is not engaged in official team activities.

(2) An athletic program contract may prohibit a student athlete from engaging in in-person advertising for a third-party sponsor during official and mandatory team activities without prior approval from the institution's athletic department.

(e) (1) A student athlete may not enter into a contract providing compensation to the student athlete for use of the student athlete's name, image, or likeness if a provision of the contract is in conflict with a provision of the student athlete's athletic program contract.

(2) A student athlete who enters into a contract providing compensation to the student athlete for use of the student athlete's name, image, or likeness shall disclose the contract to an official of the public institution of higher education, designated by the public institution of higher education.

(f) Nothing in this section may be construed to grant a student athlete a right to make commercial use of names, trademarks, logos, or other intellectual property owned or controlled by a public institution of higher education.

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